

# JUDICIAL CONFERENCE

## **Alternative Dispute Resolution Coordinating Committee**

*Judge Lance R. Peterson  
13th Circuit  
Chair*

During the 2003 Conference Year, the Committee monitored both Court-Annexed Mandatory Arbitration Programs and Court-Sponsored Major Civil Case Mediation Programs. In addition, the Committee met with arbitration administrators and supervising judges of circuits with mandatory arbitration programs. Topics discussed at the meeting included Supreme Court Rule amendment proposals; good faith participation in arbitration hearings; and several programmatic issues raised by the arbitration administrators and supervising judges. As part of this year's activities, the Committee forwarded to the Supreme Court Rules Committee language to amend Supreme Court Rule 94. The amended language would establish check boxes on the Award of Arbitrators form which would identify if the litigants in the arbitration process participated in good faith. This proposal addresses a letter submitted to the Committee by former Chief Justice Harrison which he received from a local arbitration program practitioner. The letter cited concerns about certain litigants rejecting awards as a matter of course and not participating throughout the arbitration process in good faith. The Committee also explored the feasibility of implementing a summary jury trial process in the State of Illinois. The concept of summary jury trials was introduced to the Committee as a topic of discussion to study throughout the remainder of this Conference year and next. Summary jury trials are a specialized process designed to address high-end cases that are more complex and consume disproportionate amounts of court time and resources. During Conference Year 2004, the Committee plans to explore options in attempting to implement summary jury trials as part of alternative dispute resolution practices. Some of the options may include Supreme Court Rule proposals, enabling legislation or local rule implementation. The Committee will continue to identify and examine other jurisdictions that successfully utilize the summary jury trial process and determine which practices might best accommodate a program in the State of Illinois. In the area of mediation, the Committee continued to monitor existing Court-sponsored mediation programs and track statistical information to determine program efficacy.

## **Study Committee on Juvenile Justice**

*Judge Patricia Martin  
Bishop  
Circuit Court of Cook  
County  
Chair*

During the 2003 Conference Year, the Committee commenced updating Volume I of the two-volume set of the *Illinois Juvenile Law Benchbook*. The two-volume set is designed to provide judges with a practical and convenient guide to procedural, evidentiary, and substantive issues arising in Juvenile Court proceedings. Volume I, published in 2000, covers juvenile court proceedings involving allegations of delinquency, minors requiring authoritative intervention (MRAI) and addicted minors. Volume II addresses exclusively proceedings brought in the juvenile court which involve allegations of abuse, neglect and dependency. The Committee monitored the use of the uniform juvenile court orders it designed for use by judges involved in abuse, neglect or dependency proceedings in the Juvenile Court. Each uniform order contains the U.S. Department of Health and Human Services' requirements for judicial determinations that a court must make when removing or authorizing removal of a child from his/her parents. The Committee continued to discuss at great length the anticipated 2003 federal review of the Illinois Juvenile Court which will study compliance with federal funding mandates concerning necessary findings in juvenile cases. Individual members for the Committee have been contacted for input into the Illinois Assessment phase of the review. Additionally, the Committee continued its commitment to educating Illinois judges on juvenile law issues by participating in various educational programs and workshops.

## **Committee on Discovery Procedures**

*Judge Joseph N. Casciato  
Circuit Court of Cook  
County  
Chair*

During the 2003 Conference Year, the Committee considered proposed amendments to Supreme Court Rules 237, 204, and 206. The Supreme Court Rules Committee's proposal to amend Supreme Court Rule 237 would add a paragraph requiring the appearance of certain individuals and the production of certain documents at expedited hearings. The Committee agreed to the proposed change provided that it is limited to a party, as opposed to an officer, director or employee of a party, and to domestic relations cases. The Supreme Court Rules Committee's proposal to amend Supreme Court Rule 204 would create a paragraph to address deposition fees for an independent expert witness. The Committee decided to forward its inquiries regarding the definition of fee and independent expert and the rationale behind the proposed change to the Supreme Court Rules Committee for further clarification. As a final matter, the Committee reconsidered its prior proposal to amend Supreme Court Rule 206(c) to eliminate objections, except as to privilege, in discovery depositions, and to require that objections in evidence depositions be concise and state the exact legal basis for the objection. The Committee decided to table this proposed amendment for future discussion given that the current rules address any egregious behavior that might arise at a discovery deposition.

**The Judicial Conference of Illinois**, consisting of eighty-two judges, is responsible for suggesting improvements in the administration of justice in Illinois. The Executive Committee, composed of the chief justice and fourteen members of the Judicial Conference, reviews recommendations of the various committees and makes recommendations to the supreme court, resolves questions of committee jurisdiction, acts on behalf of the Judicial Conference between annual meetings, and performs other duties delegated by the supreme court. The Administrative Office of the Illinois Courts serves as Secretary of the Conference.

# COMMITTEE ACTIVITIES

The Committee on Education is charged by the Supreme Court with developing and providing ongoing judicial education for Illinois judges. The Committee does so within the framework of the Court's Comprehensive Judicial Education Plan, which recognizes that judicial education is a primary means of advancing judicial competency. In Conference Year 2003, the Committee oversaw the presentation of the second biennial Illinois Advanced Judicial Academy at the University of Illinois College of Law in Champaign. The Academy, entitled "Taking Facts Seriously," provided an intensive five-day educational forum for Illinois judges to examine the underpinnings of the rules and principles of evidence and to examine the processes-both legal and cognitive-for determining facts. In addition to the Academy, the Committee conducted a full schedule of seminars during the 2003 Judicial Conference year, and also presented a New Judge Seminar and a Faculty Development Workshop for all Illinois judges serving as faculty for Judicial Conference programs. The seminar series included nine regional (2 day) seminars, four mini (1 day) seminars, and the annual seminar addressing judicial management of DUI cases. The Committee on Education also worked in collaboration with the special committee developed at the request of the Judicial Mentor Committee to produce a new videotape to train judges to serve as mentors with the New Judge Mentor Program. The videotape was circulated to all judicial circuits in fall 2002. The Resource Lending Library, overseen by the Committee and operated by the Administrative Office, continued to serve as a valued judicial education resource. Loan material available through the library includes videotapes, audiotapes and publications. Permanent use items include seminar reading materials, bench books, manuals, and other materials. During the past year, 1063 loan and permanent use items were distributed to judges and an additional 431 judges requested one or more "on-loan" items from the library.

During the 2003 Conference Year, the Committee continued to pursue security and technology issues on behalf of the judiciary. The Committee drafted a rule amendment to Supreme Court Rule 63A(7) to include new technology devices in the definitions of broadcasting and televising. Many of the handheld personal data assistants (PDA's) have the capability to record and transmit from just about anywhere. The recommendation was forwarded to the Rules Committee who placed it on the agenda for the public hearing in October 2003. The Court adopted the amendment to Rule 63A(7), effective January 1, 2004. Also, the Committee made a recommendation to the Director of the Administrative Office that documents submitted for inclusion on the Supreme Court's Web Site be formatted in or accompanied with a document in HTML format. HTML is a native Internet text format which stands for Hypertext Markup Language. The Director forwarded it to the Judicial Management Information Services (JMIS) Division for its review and recommendation. JMIS is responsible for managing the web site. Additionally, the Committee continued to follow the electronic filing and optical imagery projects being conducted by the Administrative Office, worked on a survey of technology advancements for the judiciary that it hopes to distribute and analyze during the next calendar year, and discussed new technologies becoming available that may affect the judiciary, such as wireless technology and a judicial branch Intranet.

During the past Conference Year, the Committee met to discuss caselaw developments, new legislation, and rule changes in order to keep the *Illinois Manual for Complex Civil Litigation* and the *Illinois Manual for Complex Criminal Litigation* current. The Committee produced a fourteen-page cumulative update for the civil manual and a supplemental chapter on discovery of business records, joint and several liability, and class action issues. The Committee produced a fifteen-page cumulative update for the criminal manual and a supplemental chapter on sentencing issues. The materials for both the civil and criminal manuals also are available on CD-ROM.

The Criminal Law and Probation Administration Committee continued its review of probation practices and procedures during the 2003 Conference Year. Reports on the Broken Windows model of probation, domestic violence programs, sex offender programs and probation programs for gang members were provided to the Conference. The Committee reviewed public comments on its rule proposal (now Supreme Court Rule 402A) regarding admonishments in probation, conditional discharge and court supervision revocation cases. The Committee also considered the work of the Criminal Code Rewrite and Reform Commission, concluding that a different approach was needed in the effort to revise and update the Illinois statutes on criminal law.

**Committee on Education**  
*Judge Susan F. Hutchinson*  
*Appellate Court*  
*2nd District*  
*Chair*

**Committee on Automation and Technology**  
*Judge Robert E. Byrne*  
*Appellate Court*  
*2nd District*  
*Chair*

**Study Committee on Complex Litigation**  
*Judge Clyde L. Kuehn*  
*Appellate Court*  
*5th District*  
*Chair*

**Committee on Criminal Law and Probation Administration**  
*Judge Michael P. Toomin*  
*Circuit Court of Cook County, Chair*

## Members of the Executive Committee of the Illinois Judicial Conference During 2003

Chief Justice Mary Ann G. McMorrow, Chair  
Cynthia Y. Cobbs, Secretary

Robert P. Bastone, Associate Judge, Circuit Court of Cook County  
Joseph F. Beatty, Circuit Judge, 14th Circuit  
Timothy C. Evans, Chief Circuit Judge, Circuit Court of Cook County  
Robert K. Kilander, Chief Circuit Judge, 18th Circuit  
John C. Knight, Circuit Judge, 3rd Circuit  
Clyde L. Kuehn, Appellate Judge, 5th District  
Lori R. Lefstein, Circuit Judge, 14th Circuit

Rita M. Novak, Associate Judge, Circuit Court of Cook County  
Stuart A. Nudelman, Circuit Judge, Circuit Court of Cook County  
M. Carol Pope, Circuit Judge, 8th Circuit  
Ellis E. Reid, Circuit Judge, Assigned Appellate, 1st District  
Stephen A. Schiller, Circuit Judge, Circuit Court of Cook County  
John P. Shonkwiler, Chief Circuit Judge, 6th Circuit  
Robert B. Spence, Circuit Judge, 16th Circuit